

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

LARRY I. NEWKIRK, and RUTH A.
NEWKIRK,

Plaintiffs,

v.

CONAGRA FOODS, INC., a Delaware
Corporation, et al.,

Defendants.

No. CV-08-0273-FVS

ORDER

THIS MATTER having come before the Court based upon the parties' stipulated request for the dismissal of Plaintiffs' Count IV, only, of their Complaint (Ct. Rec. 45); Now, therefore

IT IS HEREBY ORDERED:

1. Plaintiffs' Count IV of their Complaint is **DISMISSED without prejudice.**

2. Defendant Givaudan Flavors Corporation's Motion to Dismiss (Ct. Rec. 35) is **DENIED as moot.**

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this order and furnish copies to counsel.

DATED this 22nd day of October, 2008.

s/ Fred Van Sickle
Fred Van Sickle
Senior United States District Judge